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DEPARTMENT OF STATE

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NO.

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TO : Department of State

JUL 8 11 55 AM 1970

INFO: MAZATLAN

RS/AN
ANALYSIS BRANCH

FROM : Amembassy MEXICO

DATE: 6 JULY 1970

SUBJECT : Fishing Vessel Seizures in Mexico - Lessons to be Learned

REF : Mexico 3509 and previous

1. The seizure by the GOM on June 5 of the tuna vessels RONNIE S and STARCRESS, which were finally released under bond on June 26, resulted in major problems for all concerned--the vessel owners, their crews, the families of the crews, the American Tunaboat Association, the Department, members of Congress, the Consulate in Mazatlan, the Embassy and several agencies of the Mexican Government. The first incident of this kind in Mexico, the lessons to be learned from it would seem to be useful in avoiding repetitions.

2. With this in mind, the Embassy recommends that the following points, some of them self-evident, be brought to the attention of all segments of the U.S. fishing industry that operate near Mexican waters:

a. The Government of Mexico maintains, and will continue to maintain, a policy of strictly protecting its sovereignty over territorial waters and enforcing its fishery laws. No other government can or should have any influence over this policy.

b. Violators of Mexico's fishery law are subject to maximum penalties of a fine of up to 20,000 pesos (US\$1,600.00), payment of the equivalent of "taxes" or fishing license according to the capacity of the fishing vessel, confiscation of the fishing gear and confiscation of the catch aboard the boat. Especially in the case of tuna vessels, the monetary value of these items can be very high.

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c. Under the fishery law the competent agency of the Mexican Government is allowed 30 days in which to resolve a case of presumed illegal fishing by a foreign vessel in Mexico's jurisdictional waters. In order for the case to be examined juridically by this agency, many documents are required of the vessel captain, including his own certified declaration of the circumstances of the vessel's detention, certified translations of the vessel's log, etc. The services, and additional expense, of a local attorney are needed.

d. In order for a vessel not to have to wait in port until the case is decided, representatives in the port of the competent Mexican authorities may require the vessel captain to pay the maximum penalties under the law on the understanding that he may have all or part of the monetary value returned to him according to the final outcome of the case.

e. Only part of the maximum penalties may be covered by putting up a bond: the fine, the fishing license or "taxes" and the value of the gear. The assessed value of the catch must be deposited in cash. As stated above, this can be expensive in the case of tuna.

f. Mexican Government offices have their own requirements and procedures. Delays in reaching final decision are normal and to be expected. The three-week period required for release of the mentioned tuna vessels--not the final resolution of the case--is evidence of this. Any future such cases can be expected to take at least as long.

g. In the event a U.S. flag vessel experiences mechanical or other difficulties which may bring it into Mexico's territorial waters, the captain of the vessel should do two things:

1. Notify the nearest Mexican authorities by radio telephone, either directly or through a land-based contact, of his situation.
2. Display one or more of the internationally recognized distress signals - flare-up light, national ensign upside down, etc.
3. The Embassy is hopeful that if the above points and suggestions are effectively brought to the attention of the U.S. fishing industry it will be possible to avoid in the future such difficult, expensive and time-consuming incidents.

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